

**In The
Indiana Supreme Court**

**IN RE THE MATTER OF)
REQUEST FOR APPROVAL)
OF LOCAL RULES FOR THE) CASE NUMBER:
COURTS OF RECORD IN)
MONROE COUNTY)**

**NOTICE OF PROPOSED AMENDMENTS TO LOCAL COURT
RULES, FINDING OF GOOD CAUSE TO DEVIATE FROM THE
SCHEDULE FOR AMENDING LOCAL RULES, AND REQUEST
FOR APPROVAL OF CERTAIN LOCAL RULES**

The Judges of Monroe County, pursuant to Trial Rule 81(D), now find good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption and amendment of local rules.

The Judges of Monroe County request Supreme Court approval for the rules at LR53-AR01-108 Caseload Allocation.

Comments may be made to Bonnie Austin, Monroe Circuit Court, 301 North College Avenue, Bloomington, IN 47404, until December 31, 2008.

The attached local rules will be effective on January 1, 2009.

Submitted on this 25th day of November, 2008 for the Judges of Monroe County.

_____/S/_____
Kenneth G. Todd, Presiding Judge
Judge, Monroe Circuit Court Division III

STATE OF INDIANA)
)ss: IN MONROE CIRCUIT COURT
COUNTY OF MONROE)

**REALLOCATION AND REASSIGNMENT OF CASES
FOR THE MONROE CIRCUIT COURT**

WHEREAS, the Board of Judges has approved the reallocation of case assignments, and

WHEREAS, the Board of Judges recommends the reallocation of cases to be effective January 1, 2009; and

WHEREAS, the Board of Judges has determined that the efficient administration of justice is better served by a reallocation of cases,

Comes now, the Presiding Judge on behalf of the Monroe Circuit Court Board of Judges and requests the Supreme Court approve LR53-AR01-108, Caseload Allocation as submitted.

SO ORDERED THIS 1st DAY OF DECEMBER, 2008.

_____/S/_____
Kenneth G. Todd, Presiding Judge
Monroe Circuit Court

LR53-AR01-108
CASELOAD ALLOCATION

Updated
1/1/09

A. Procedure. The Board of Judges shall:

1. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
2. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney and the Public Defender.
3. Review and analyze the statistics on current workload and caseflow within the Monroe Circuit Court.
4. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the presiding judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation follows:

1. Case Assignment The Clerk shall randomly assign all A, B, C, D felony and misdemeanor cases to Divisions II, III, V, and IX.
 - a. The Clerk shall randomly assign ~~50% of~~ Civil cases to Division I and ~~50%~~ to Division VI. Domestic relations cases shall be assigned randomly to Divisions I, IV, VI and VIII.
 - b. Probate, juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.
 - c. Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.
 - d. Small claims cases shall be randomly assigned 50% to Divisions IV and 50% to Division VIII.
 - e. Infraction cases shall be randomly assigned to Divisions II, III, V, and IX.

- f. Protective order cases shall be assigned to Division I, IV, VI and VIII by random assignment.
 - g. If there exists a previously filed domestic relations case involving the parties to the Protective Order case, the Protective Order case shall be consolidated with the previously filed domestic relations case.
 - h. Reciprocal support cases shall be assigned to Divisions I, IV, VI and VIII.
 - i. A redocketed case bearing a 1992 or earlier cause number shall be randomly assigned to circuit divisions overseeing that case type as specified in the Caseload allocation (Rule 2) by the Clerk designated by case type for redocketed cases and shall remain with that division.
 - j. A redocketed case bearing a 1993 or later cause number shall be assigned to the Court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise, it will be randomly assigned to a division with that jurisdiction.
- 2. Case Refiled: If a case is dismissed without prejudice on a plaintiff's motion, and the same case is subsequently refiled by a plaintiff, the refiled case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a refiled case is not initially refiled in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
- 3. Case Recusal: The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. Credit will be provided to the new division assigned.
- C. Case Consolidation. Cases filed which involve multiple-defendants arising out of same occurrence or multiple cases filed against the same defendant shall be consolidated and assigned to the division with the oldest cause number. Criminal cases shall be consolidated with the oldest pending cause number. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program. Protective order cases shall be consolidated with related domestic relations cases.
- D. Case Transfer.
 - 1. Any divorce, support or custody case filed or pending in Divisions I, IV, VI and VIII, while there is an active CHINS case pending in Division VII, shall be transferred to Division VII. At the conclusion of the CHINS case, the divorce,

support or custody case may be transferred back to the court of original jurisdiction.

2. Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and
3. Provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case to a random filing system for assignment to another division, unless transfer to a specific division promotes judicial economy. Upon transfer, adjustments will be made in the Office of Court Services and the Clerk's office to maintain an equitable caseload allocation. This transfer procedure shall also be used when a judge disqualifies from a case pursuant to Trial Rule 79(C), Indiana Rules of Trial Procedure.